
By: **Howard County Delegation**

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Assigned to: Rules and Executive Nominations
Re-referred to: Ways and Means, March 8, 2004

Committee Report: Favorable
House action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Howard County Board of Education - Election to Fill Vacancy**
3 **Ho. Co. 12-04**

4 FOR the purpose of altering the procedure for filling vacancies on the Howard County
5 Board of Education; authorizing the County Executive of Howard County to fill
6 a vacancy for a limited period under certain circumstances; requiring vacancies
7 that occur before a certain time to be filled at a general election; specifying how
8 to determine which candidates are elected to which offices on the County Board
9 under certain circumstances; establishing the term for the candidate receiving
10 the vacated position; and generally relating to the filling of vacancies on the
11 Howard County Board of Education.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 3-701
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Education**

20 3-701.

21 (a) The Howard County Board consists of five members.

1 (b) A candidate elected to the County Board shall be a resident and registered
2 voter of Howard County. Any member who no longer resides in Howard County may
3 not continue as a member of the Board.

4 (c) Members of the Howard County Board shall be elected:

5 (1) At the general election every 2 years as required by subsection (d) of
6 this section; and

7 (2) From Howard County at large.

8 (d) (1) (i) The terms of the members are staggered as provided in this
9 subsection.

10 (ii) Each term of office begins on the first Monday in December
11 after the election of a member and until a successor is elected and qualifies.

12 (2) (i) The term of office of the member elected at the 2002 election is
13 4 years.

14 (ii) The successor to this office shall serve for a term of 4 years.

15 (3) (i) Two members shall be elected at the 2004 election.

16 (ii) The successors to these offices elected at the 2008 election shall
17 serve a term of 4 years.

18 (4) (i) Three members shall be elected at the 2006 election.

19 (ii) The successors to these offices elected at the 2010 election shall
20 serve for a term of 4 years.

21 (5) As of the 2006 election, the term of each office is 4 years.

22 (6) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS
23 SUBSECTION AND SUBJECT to the confirmation of the County Council, the County
24 Executive of Howard County shall appoint a qualified individual to fill any vacancy
25 on the County Board for the remainder of that term and until a successor is appointed
26 and qualifies.

27 (7) IF A VACANCY OCCURS BEFORE THE DATE THAT IS 1 YEAR
28 FOLLOWING THE DATE OF THE MEMBER'S ELECTION, THE INDIVIDUAL APPOINTED
29 UNDER PARAGRAPH (6) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL A
30 SUCCESSOR IS ELECTED BY THE VOTERS AT THE NEXT GENERAL ELECTION.

31 (8) CANDIDATES FOR THE VACATED OFFICE MAY BE NOMINATED AT A
32 PRIMARY ELECTION IN THE SAME MANNER AS FOR ANY OTHER POSITION ON THE
33 HOWARD COUNTY BOARD.

34 (9) WHEN MORE THAN TWO MEMBERS OF THE COUNTY BOARD ARE TO
35 BE ELECTED AT AN ELECTION AND THE TERMS OF THE OFFICES TO BE FILLED AT

1 THE ELECTION VARY, THE ELECTED CANDIDATES RECEIVING THE GREATER
2 NUMBER OF VOTES SHALL FILL THE OFFICES WITH THE LONGER TERMS.

3 (10) THE CANDIDATE RECEIVING THE VACATED POSITION SHALL TAKE
4 OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND SHALL
5 CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND UNTIL A
6 SUCCESSOR IS ELECTED AND QUALIFIES.

7 (11) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN ELECTION TO FILL A
8 VACANCY ON THE HOWARD COUNTY BOARD OF EDUCATION SHALL BE GOVERNED BY
9 §§ 8-801 THROUGH 8-806 OF THE ELECTION LAW ARTICLE.

10 (e) (1) The State Board may remove a member of the County Board for:

- 11 (i) Immorality;
- 12 (ii) Misconduct in office;
- 13 (iii) Incompetency; or
- 14 (iv) Willful neglect of duty.

15 (2) Before removing a member, the State Board shall send the member a
16 copy of the charges against the member and give the member an opportunity within
17 10 days to request a hearing.

18 (3) If the member requests a hearing within the 10-day period:

- 19 (i) The State Board promptly shall hold a hearing, but a hearing
20 may not be set within 10 days after the State Board sends the member a notice of the
21 hearing; and
- 22 (ii) The member shall have an opportunity to be heard publicly
23 before the State Board in the member's own defense, in person or by counsel.

24 (4) A member removed under this subsection has the right to a de novo
25 review of the removal by the Circuit Court for Howard County.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2004.